

17, 2011.

5. **On or before November 17, 2011**, the Trustee shall file a memorandum of law setting forth authority supporting the legal sufficiency of **Count VII**, after which the court will sua sponte determine whether **Count VII** should be dismissed,
6. If the Trustee does not file an Amended Complaint pursuant to Paragraph 5 or files an Amended Complaint that does not assert the claim presently denoted as **Count VII** in the original Complaint, the Trustee need not file the memorandum of law required by Paragraph 5.

A handwritten signature in black ink, appearing to read 'ERL', with a stylized, flowing script.

Date: October 27, 2011

ERIC L. FRANK
U.S. BANKRUPTCY JUDGE